IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.A No.35 of 1993

Decided on : October 5, 2007

State of H.P. **…Appellant.**

Versus

Joginder Kumar and others **…Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

The Hon'ble Mr. Justice Surinder Singh, Judge.

Whether approved for reporting?

For the Appellant : Mr. Som Dutt Vasudeva, Additional Advocate General.

For the Respondents : Mr. G.D. Verma, Senior Advocate, with Mr. B.C. Verma, Advocate.

Surjit Singh, Judge(Oral)

Heard and gone through the record.

2. Respondents were sent up for trial for offences punishable under Sections 392, 342, 341, 506 and 323 read with Section 34 IPC, for allegedly wrongfully confining PW-1 Ranjit Singh while travelling by a bus and robbing him of his golden ring, the shirt he was wearing and currency notes of Rs.34/- and also causing injuries to him in the process of robbing him. At the time of the alleged occurrence, besides the driver and conductor, there were 7-8 other passengers, as per the earliest version given by PW-1 Ranjit Singh to the Police.

3. The trial Court has acquitted the respondents holding that all the witnesses, including the driver and the conductor, examined by the prosecution turned hostile and did not support the prosecution version and, in such a situation, it was not safe to base the conviction

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Whether reporters of the local papers may be allowed to see the judgment?

on the sole testimony of injured Ranjit Singh. Even though this observation of the trial Court is questionable, being contrary to the settled legal proposition that conviction can be based even on the uncorroborated testimony of the victim of the crime, if it inspires confidence, yet we find from the reading of the statement of PW-1 Ranjit Singh, the alleged victim, that the same does not inspire confidence, as it is contradicted in material particulars by the earliest version which he gave to the Police, vide report Ex. PW-1/A and with which he was duly confronted. For example, in the earliest version, he got recorded that the incident had taken place because he objected to the respondents' insisting upon the driver and the conductor to stop the bus at Kasumpti and to allow them to take liquor, but in his testimony he did not say so. Again, as per the earliest version he stated that he was to have de-boarded the bus at a place called Mehli, but the respondents did not allow the driver and the conductor to stop the bus at that place. However, in his testimony as PW-1 he stated that bus was stopped at Mehli stoppage and 4-5 persons alighted there. Further, even though in the examination-in-chief, as also in the earliest version, PW-1 Ranjit Singh stated that the incident had taken place at a point 3-4 kms. beyond Mehli but in the cross-examination he stated that the incident had taken place at a point not very far off from Kasumpti Police Post, because he stated that Kasumpti Police Post is at a calling distance from the place of occurrence.

4. In view of the abovestated position, the appeal is dismissed.

(Surjit Singh), J

October 5, 2007(sd) **(Surinder Singh), J**